

Amendments to the Drawings

The attached replacement drawing sheet includes changes to Figure 1. This sheet replaces the original drawing sheet showing Figure 1. In the replacement drawing sheet, the legend “Prior Art” was added to the drawing sheet.

Attachment: Replacement Sheet

Remarks

1. Summary of the Office Action

In the office action mailed March 14, 2008, (i) the Examiner rejected claims 1, 3-5, and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0218974 (hereinafter “Zuniga”) in view of U.S. Patent No. 6,137,773 (hereinafter “Stilwell”), a publication entitled “Interpreting CDMA Measurements” (hereinafter “da Silva”), and U.S. Patent Application Publication No. 2004/0219920 (hereinafter “Love”), (ii) the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, da Silva, and Love in view of U.S. Patent No. 6,236,866 (hereinafter “Meyer”), (iii) the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, da Silva, and Love in view of U.S. Patent No. 5,838,671 (hereinafter “Ishikawa”), (iv) the Examiner rejected claims 9 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, Love, and Ishikawa, (v) the Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, Love, Ishikawa, and Meyer, (vi) the Examiner rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, Love, Ishikawa, and da Silva, (vii) the Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, Love, Ishikawa, and Meyer, and (viii) the Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, Love, and Ishikawa in view of U.S. Patent Application Publication No. 2003/0022630 (hereinafter “Ghandi”).

Additionally, the Examiner objected to Figure 1. The Examiner argued that Figure 1 should be designated by a legend such as -- Prior Art -- because only that which is old is illustrated.

2. Amendments and Pending Claims

Applicant has amended claims 1, 9, 17, and 18, canceled claims 5, 8, 10, and 12, and added claims 19-22. Claims 1-4, 6, 7, 9, 11, and 13-22 are presently pending in this application. Of the pending claims, claims 1 and 9 are independent.

Support for the amendment to claim 1 is located in the specification, for example, at (i) page 12, line 19 to page 13, line 11, (ii) page 16, lines 5-7, (iii) page 18, lines 6-16, (iv) page 22, lines 20-21, and (v) Figure 7. Support for the amendment to claim 9 is located in the specification, for example, at (i) page 13, lines 9-14, (ii) page 14, lines 3-11, and (iii) page 18, lines 6-16. Support for the amendment to claims 17 and 18 is located in the specification, for example, at page 23, line 15.

Support for new claim 19 is located in the specification, for example, at page 24, lines 21-23. Support for new claim 20 is located in the specification, for example, at (i) page 7, lines 1-7, (ii) page 16, lines 5-10, and (iii) Figures 7 and 8. Support for new claim 21 is located in the specification, for example, at page 13, line 23. Support for new claim 22 is located in the specification, for example, at (i) page 12, line 19 to page 13, line 11, and (ii) Figures 7 and 8.

Applicant has amended the specification to correct typographical errors.

Applicant has submitted a replacement drawing sheet that includes a change to Figure 1. In the replacement drawing sheet, the legend “Prior Art” was added to the drawing sheet.

3. Response to the Claim Rejections

a. Claims 1-7

The Examiner rejected independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga in view of Stilwell, da Silva, and Love. Applicant submits that independent claim 1, as amended, patentably distinguishes over Zuniga, Stilwell, da Silva, and

Love and is therefore allowable. In particular, Applicant has not found a disclosure or suggestion of the claimed function of determining a plurality of Reverse Noise Rise (RNR) values, wherein determining each RNR value includes determining an increase of (i) a respective reverse noise measurement of the corresponding reverse noise measurements, relative to (ii) the reverse noise floor, and wherein each RNR value corresponds to the number of active users indicated by the forward code domain measurement that is obtained substantially simultaneously with the reverse noise measurement used to determine the RNR value.

Because Zuniga, Stilwell, da Silva, and Love do not disclose, teach or reasonably lead to the invention recited in claim 1, Applicant submits that the claim 1 is allowable. Further, because each of claims 2-4, 6, and 7 depend from claim 1 and necessarily include all of the limitations of claim 1, claims 2-4, 6, and 7 are allowable as well. Further still, Applicant has cancelled claims 5 and 8, and thus the rejections of claims 5 and 8 are now moot.

b. Claims 9-18

The Examiner rejected independent claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Zuniga, Stilwell, Love, and Ishikawa. Applicant submits that independent claim 9, as amended, patentably distinguishes over Zuniga, Stilwell, Love, and Ishikawa and is therefore allowable. In particular, Applicant has not found a disclosure or suggestion of the claimed function of determining at least one ratio that is at or above a probability threshold, wherein each ratio comprises a ratio of a respective first number to a respective second number, wherein each first number indicates how many of the reverse noise measurements (i) correspond to forward code domain measurements that indicate a number of active users at or below a respective threshold number of active users, and (ii) have a Reverse Noise Rise (RNR) that is below an RNR threshold, and wherein each second number indicates how many of the reverse

noise measurements correspond to forward code domain measurements that indicate the number of active users at or below the respective threshold number of active users.

Because Zuniga, Stilwell, Love, and Ishikawa do not disclose, teach or reasonably lead to the invention recited in claim 9, Applicant submits that the claim 9 is allowable. Further, because each of claims 11 and 13-18 depend from claim 9 and necessarily include all of the limitations of claim 9, claims 11 and 13-18 are allowable as well. Further still, Applicant has cancelled claims 10 and 12, and thus the rejections of claims 10 and 12 are now moot.

4. New Claims

New claims 19 and 20 depend from claim 1. Because each of new claims 19 and 20 depend from allowable claim 1 and necessarily include all of the limitations of allowable claim 1, claims 19 and 20 are allowable as well.

New claims 21 and 22 depend from claim 9. Because each of new claims 21 and 22 depend from allowable claim 9 and necessarily include all of the limitations of allowable claim 9, claims 21 and 22 are allowable as well.

5. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-4, 6, 7, 9, 11, and 13-22 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

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By: /David L. Ciesielski/
David L. Ciesielski
Reg. No. 57,432